



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,798	08/17/2001	Tatsuya Wakahara	SONYJP 3.0-202	3632

530 7590 08/17/2005

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

WILDER, PETER C

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,798

Applicant(s)

WAKAHARA, TATSUYA

Examiner

Peter C. Wilder

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/10/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemmons et al. (U.S. 6481011 B1).

Referring to claim 1, Lemmons teaches an information processing device for displaying an electronic programming guide, comprising a display including representations of a past program whose broadcast time is prior to a present time (The abstract references viewing times as a preference that can be represented by color; Figure 7 shows a past program "Seinfeld", with the current time being between 9:30 and 10:00), a present program whose broadcast time contains said present time and a future program whose broadcast time is subsequent to said present time (Present program is "Frasier", and future program is "Breakfast at Tiffany's"), said representation of said past program being in a first color (vertical lines represent the first color), said representation of said present program being in a second color different from said first color (plain white cell represents a second color), and said representation of said future program being in a third color different from said first and second colors (dashed

Art Unit: 2614

vertical lines represent the future program third color; Column 5 lines 17 – 30;

Figure 6 also shows the more than 4 choices of colors available to be displayed on the screen).

Referring to claim 6, see rejection of claim 1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al. (U.S. 6481011 B1) in view of Borden IV et al. (U.S. 6857128 B1).

Referring to claim 2, Lemmons teaches all the limitations of claim 1 as well as being able to select or highlight a cell and being able to represent multiple colors on the screen, but fails to teach the selected or highlighted cell will change the color of the program cell.

Borden IV teaches the background color of the selected program can change color (Column 3 lines 45 – 47).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG with multiple colors representing the programs function/device of Lemmons, using the different background color highlighted region function/device of Borden IV for the purpose of allowing the user to clearly see what program is highlighted for selection (Column 3 lines 45 – 46).

Referring to claim 7, see the rejection of claim 2.

Claim 3 corresponds to claim 2, where Lemmons further teaches the information processing device as claimed in claim 2, further comprising a cursor, said cursor being located on said representation of said program selected by the user (Column 5 lines 59-63).

Referring to claim 8, see the rejection of claim 3.

Claim 4 corresponds to claim 1, where Lemmons further teaches the information processing device as claimed in claim 1, wherein said first, second and third colors are set according to the user's favorite colors (Column 6 lines 10-13, Figure 10 shows the user is able to set the colors they want to the related category).

Referring to claim 9, see the rejection of claim 4.

Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al. (U.S. 6481011 B1) in view of. Reynolds et al. (U.S. 6799327 B1).

Referring to claim 5, Lemmon teaches all the limitations of claim 1 as well as displaying different cells according to there relationship to the present time in different colors, but fails to teach the idea of always displaying the current time.

Reynolds et al. teaches displaying the current time in the program guide (figure 3 element 93) which coincides with Column 6 lines 37-39, figure 5 also shows the current time in the bottom row of the guide.)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify EPG with multiple colors function/device of Lemmons, using the concept of displaying the current time function/device of Reynolds for the purpose of encouraging viewers to use the program guide and to view additional advertisements (Column 1 lines 57-60).

Referring to claim 10, see the rejection of claim 5.

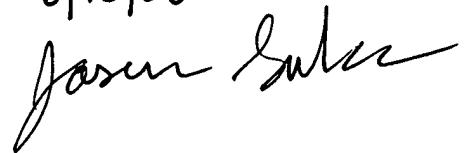
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Salce
8/16/05

A handwritten signature in cursive script that reads "Jason Salce".